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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,905	02/15/2002	Sung Yeon Yang	911-1212	9945
7590	06/08/2004		EXAMINER	
Eugene Oak, Ph. D., J. D. Patent Attorney 610 S. Van Ness Ave. Los Angeles, CA 90005			LE, NHAN T	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/075,905 Nhan T Le	YANG, SUNG YEON Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 February 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitzinger et al (US 6,663,770).

As to claim 1, Gitzinger teaches a hands-free cellular phone talking kit consists of a carrying case (see fig. 1, number 10, col. 2, lines 44-50), an adaptor (see fig. 1, number 28, col. 51-61), and an earpiece set connected to an on/off switch (see fig. 3, number 72, col. 4, lines 36-65). However, Gitzinger fails to teach the carrying case is made of plastic material and the wires is made out of the copper coated with flexible plastic. Examiner takes Official Notice that the carrying case is made of plastic material and the wires is made out of the copper coated with flexible plastic are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the carrying case is made of plastic material and the wires is made out of the copper coated with flexible plastic into the device of Gitzinger in order to have a lighter carrying case and well insulated earpiece set.

As to claim 2, Gitzinger teaches the earpiece set in claim 1 consists of an earpiece, a microphone, electric wire and a mechanical spring winder (see fig. 3, numbers 53, 54, 56, 35, col. 3, lines 10-20, lines 38-56).

As to claim 3, Gitzinger teaches one end of the earpiece set in claim 1 is connected to the cellular phone's earpiece jack, meanwhile, the other end, the ear piece and the microphone, is exposed out of the spring winder (see col. 3, lines 57-67, col. 4, lines 1-12).

As to claim 6, Gitzinger teaches the earpiece and speaker in claim 1 are stretched out of the carrying case when a human uses the hands -free kit (see col. 4, lines 20-35).

As to claim 7, Gitzinger teaches the on/off switch in claim 1 is turned on when a user pull out the earpiece from the carrying case (see col. 4, lines 36-50).

As to claim 8, Gitzinger teaches the on/off switch in claim 1 is turned off when a user pulls out the ear piece a little bit and release the ear piece to be rewind (see col. 4, lines 51-65).

2. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitzinger et al (US 6,663,770) in view of Furuno (US 5,724,667).

As to claim 4, Gitzinger fails to teach the earpiece set is small enough to be installed inside the cellular phone carrying case. Furuno teaches the earpiece set inside the case of the phone (see fig. 3, numbers 10, 27, col. 3, lines 13-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Furuno into the device of Gitzinger in order to prevent damage to the phone earpiece.

As to claim 5, Gitzingere fails to teach the earpice is held on the outer surface of the hole to sustain strain of the wire connected to a spring winder. Furuno teaches the

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earpice is held on the outer surface of the hole to sustain strain of the wire connected to a spring winder (see col. 5, lines 7-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Furuno into the device of Gitzinger so that users can adjust the cord length based on their preferences.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhan Le


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